

### REMARKS

The Office Action of January 17, 2007 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Upon entry of this Amendment, claims 1-6, 8-16 and 18-21 remain in the application. Claims 7 and 17 are cancelled herein without prejudice. New claims 22-24 have been added in order to set forth additional specific embodiments that the Applicants regard as their invention. Reconsideration of the claims is respectfully requested.

Claims 1, 2, 4, 6, 11, 12, 14, 16 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knobl et al. (U.S. Patent No. 7,039,708) in view of Yassin et al. (U.S. Patent No. 6,505,780). The Examiner states that Knobl teaches the capability of providing vehicle settings from a call center to a telematics unit, and that Yassin teaches receiving an update signal at the call center and sending vehicle settings from the call center to the vehicle responsive to the update.

Claims 7 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of Knobl and Yassin, and further in view of Mocek (U.S. Patent Application Publication No. 2003/0182360). The Examiner states that Mocek teaches storing vehicle settings when the telematics unit is negative and transmitting the settings when the telematics unit download status is positive.

Applicants have amended claims 1 and 11 to include the subject matter of claims 7 and 17, respectively. Applicants have amended claim 21 to include similar recitations. As such, Applicants submit that the invention as defined in claims 1, 11 and 21 is not obvious in view of Knobl and Yassin, as neither reference teaches determining the download status of the telematics unit and associated components.

Applicants further submit that Mocek does not supply the deficiency of the Knobl and Yassin references. More specifically, the Applicants disagree that Mocek teaches or suggests determining the download status of the telematics unit **and** the components associated with the telematics unit. Mocek does teach that selected telematics

preferences are stored with a preference server until the vehicle containing the telematics unit is started. As such, it is submitted that Mocek teaches recognizing the initiation of the vehicle in which the telematics unit is located, **not** the download status of the telematics unit and its associated components. It is further submitted that the vehicle ignition status is not indicative of the download status of the telematics unit, or of the download status of the components associated with the telematics unit. While the vehicle may be running, the telematics unit may be inactive, or the associated components may be in an unmodifiable state, which, according to the Applicants, results in a negative download status. Mocek does not consider the status of anything, except the vehicle state (i.e., on or off), when determining whether preferences may be transmitted to the telematics unit. There is no teaching or suggestion in Mocek to determine the telematics unit status or the associated component status.

Furthermore, Applicants' claims are directed to providing vehicle settings to a telematics unit **in a mobile vehicle**. In sharp contrast, Mocek teaches transmitting preferences to a vehicle that has been started. Mocek does not teach or suggest that the vehicle is actually mobile.

For all the reasons stated above, it is submitted that Applicants' invention as defined in claims 1, 2, 4, 6, 11, 12, 14, 16 and 21 is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

Claims 3, 5, 8-10, 13, 15 and 18-20 stand objected to as being dependent upon a rejected base claim. The Examiner indicates that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 5, 13 and 15 have been so rewritten. As such, Applicants respectfully submit that claims 3, 5, 13 and 15 are now in a condition suitable for allowance. Applicants further submit that claims 8-10 and 18-20 are also in a condition suitable for allowance, at least for the reasons stated above regarding the patentability of claims 1 and 11.

In summary, claims 1-6, 8-16 and 18-21 remain in the application. New claims 22-24 have been added herein. It is submitted that, through this amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.



Julia Church Dierker  
Attorney for Applicants  
Registration No. 33368  
(248) 649-9900, ext. 25  
juliad@troypatent.com

3331 West Big Beaver Rd., Suite 109  
Troy, Michigan 48084-2813  
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